



{In Archive} Re: KS nitrate strategy

Chris Dudding to: Scott Marquess
Cc: Neftali Hernandez-Santiago

10/06/2009 12:07 PM

From: Chris Dudding/R7/USEPA/US
To: Scott Marquess/SUPR/R7/USEPA/US@EPA
Cc: Neftali Hernandez-Santiago/R7/USEPA/US@EPA
Archive: This message is being viewed in an archive .

I think we'd do well to pull Neftali into this conversation -- it's been a couple of years, I think, since the KS nitrate strategy's been on my radar. I'll send you one or two of my archived emails.

Chris R. Dudding
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Scott Marquess

Chris, Can you enlighten me as to the status of t...

10/06/2009 10:14:28 AM

From: Scott Marquess/SUPR/R7/USEPA/US
To: Chris Dudding/R7/USEPA/US@EPA
Date: 10/06/2009 10:14 AM
Subject: KS nitrate strategy

Chris,

Can you enlighten me as to the status of the "nitrate strategy" we had with KDHE? Is it something that we consider to be in effect? Have we done anything to formally dismiss the policy if it's not currently in effect?

thanks
Scott

----- Forwarded by Scott Marquess/SUPR/R7/USEPA/US on 10/06/2009 10:14 AM -----



Kelly Kelsey
<KKelsey@kdheks.gov>
10/05/2009 03:46 PM

To: Scott Marquess/SUPR/R7/USEPA/US@EPA
cc
Subject: RE: SNC report (Haviland & Pretty Prairie)

Scott -

Attaching a copy of the DRAFT strategy that was later signed by EPA and KDHE. Essentially, KDHE felt we could manage the health effects of nitrates on the

affected population (infants, nursing mothers and pregnant women) by providing bottled water to those individuals. The thought was that most of the communities in KS that had nitrates were actually very small populations with an even smaller population of affected persons. By providing public notification, public education and bottled water, we could manage health effects without causing these very small communities to spend hundreds of thousands of dollars to address nitrates that were in the 11 - 12 mg/L range.

Kelly D. Kelsey
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-----Original Message-----

From: Marquess.Scott@epamail.epa.gov [mailto:Marquess.Scott@epamail.epa.gov]
Sent: Monday, October 05, 2009 3:41 PM
To: Kelly Kelsey
Subject: RE: SNC report (Haviland & Pretty Prairie)

Kelly,

Thanks for the reply. I was Googling around the web and came across something about a KDHE policy on nitrates, but didn't pay much attention. Is that a policy that you still follow, or has it been nullified?

I'll check around here and see what I can learn about the Haviland situation.

thanks
Scott

Kelly Kelsey
<KKelsey@kdheks.gov>

10/05/2009 03:36 PM

Scott

Marquess/SUPR/R7/USEPA/US@EPA

To

cc

Monica Wurtz/R7/USEPA/US@EPA,
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Subject
RE: SNC report (Haviland & Pretty
Prairie)

Scott-

The reference in the latest SNC Report to the city of Haviland potentially filing a lawsuit against the local COOP was based on a technical assistance meeting between the Kansas Rural Water Association (KRWA) and the City. At this point, I am not aware that the City has proceeded with any legal action. I have checked with our KDHE Bureau of Environmental Remediation to find out if there are any groundwater related remediation projects in Haviland tied to the COOP. Initial indication from the BER was that there were no proposed remediation projects, but they were going to do some more checking and let me know.

As far as Pretty Prairie, they we discussing the possibility of filing a lawsuit against EPA to fight the MCL for nitrate. At one time the City requested a meeting with EPA ... Mary Mindrup? The meeting request was denied if I remember correctly. It has been our position to postpone any additional enforcement against the City until potential legal actions are resolved. There is much more history here regarding a Nitrate Strategy that KDHE implemented under the approval of EPA. The Strategy was deemed inconsistent with the SDWA by EPA Region 7 back in 2005/2006. Dave Waldo may have additional comments on this response.

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-----Original Message-----

From: Marquess.Scott@epamail.epa.gov [mailto:Marquess.Scott@epamail.epa.gov]
Sent: Monday, October 05, 2009 12:24 PM
To: Kelly Kelsey
Cc: Wurtz.Monica@epamail.epa.gov
Subject: SNC report

Kelly,

I've briefly looked over the 1st quarter 2009 SNC report you provided at our last quarterly meeting. There were a couple facilities where I had questions -

Haviland - The report says the city was considering a lawsuit against the local COOP due to groundwater contamination. Sounds like a potential matter for Superfund. Do you know if your Superfund folks have been in contact with ours on this one?

Pretty Prairie - The report says that EPA and the City were talking. Do you know who (what program) at EPA was talking with them, and about what?

Thanks for your help.

Scott Marquess
EPA R7
913 551-7131

[attachment "Nitrate Strategy.doc" deleted by Chris Dudding/R7/USEPA/US]